

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EMILIANO ERMINI,

Petitioner,

v.

VIVIANA VITTORI,

Respondent.

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No. 12-cv-06100 (LTS) (HJP)

**DECLARATION OF JACOB PRESS IN SUPPORT OF RESPONDENT'S
MOTION *IN LIMINE* TO PRECLUDE CERTAIN PETITIONER TESTIMONY
AND FOR AN ADVERSE INFERENCE**

I, Jacob Press, hereby declare under penalty of perjury as follows:

1. I am an attorney at the firm of Wilmer Pickering Cutler Hale and Dorr LLP, counsel for Respondent Viviana Vittori. I respectfully submit this Declaration in support of Vittori's motion *in limine* to preclude certain testimony by Petitioner Emiliano Ermini and for an adverse inference arising out of Ermini's discovery misconduct.

2. In response to Vittori's requests, Ermini produced approximately 1,200 pages of documents on December 26, 2012 and an additional two pages on January 3, 2013. These include approximately 50 emails, many of which duplicate one another, dating from 2009, 2010, and 2012. However, Ermini has produced not a single email that he sent or received in 2011.

3. Attached hereto as Exhibit A is a true and correct copy of the Complaint filed in this action on August 9, 2012.

4. Attached hereto as Exhibit B is a true and correct copy of excerpts from the transcript of the December 20, 2012 deposition of Ermini.

5. Attached hereto as Exhibit C is a true and correct copy of an email chain including an email from Marcello Russodivito to Ermini dated June 10, 2011, marked as Exhibit 6 at the December 20, 2012 deposition of Ermini.

6. Attached hereto as Exhibit D is a true and correct copy of excerpts from the transcript of the December 19, 2012 deposition of Vittori.

7. Attached hereto as Exhibit E is a true and correct copy of Respondent's First Request for Production of Documents and Things, dated December 6, 2012.

8. Attached hereto as Exhibit F is a true and correct copy of Respondent's Second Request for Production of Documents and Things, dated December 21, 2012.

9. Attached hereto as Exhibit G is a true and correct copy of an email chain including an email from Marcello Russodivito to Ermini dated July 7, 2011, marked as Exhibit 7 at the December 20, 2012 deposition of Ermini.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
January 9, 2013

/s/ Jacob Press

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